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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN WILLIAM LIEBA, II.,

Defendant.

**Case No. CR-16-51-GF-BMM**

**UNOPPOSED MOTION FOR  
PSYCHIATRIC OR  
PSYCHOLOGICAL  
EVALUATION AND REPORT**

COMES NOW, Defendant, John William Lieba, II., by and through his Counsel of record, R. Henry Branom Jr., Assistant Federal Defender, and the Federal Defenders of Montana, Inc., pursuant to 18 U.S.C. § 4241, and for his Motion for Psychiatric Examination, states as follows:

1. Mr. Lieba is charged by Indictment with Kidnaping of an Individual Under 18 in violation of Title 18 U.S.C. §§ 1153 (a), 1201(a) and 3559(f)(2),(Count I), Aggravated Sexual Abuse in violation of Title 18 U.S.C. §§ 1153 (a) and 2241(c),

(Count II), Assault Resulting in Serious Bodily Injury in violation of Title 18 U.S.C. §§ 1153 (a) and 113 (a)(6), (Count III). He faces a potential maximum sentence of life in prison on each count and mandatory minimums of 25 years on Count I, 30 years on Count II and 10 years on Count III.

2. Mr. Lieba has expressed concern about his mental faculties and his ability to assist in his defense.

3. Mr. Lieba believes an evaluation is in his best interest.

4. Staff members of the Federal Defenders of Montana who have dealt with Mr. Lieba have expressed concerns about his mental faculties to the undersigned.

5. Mr. Lieba was scheduled to undergo an examination while in tribal custody on related charges. Mr. Lieba has been treated for mental health issues by the Indian Health Service in Wolf Point, Montana. He was prescribed anti-psychotic medication which he stopped taking prior to the events alleged in the Indictment. Mr. Lieba has no recollection of the events alleged in the Indictment.

6. Based on the foregoing, a competency evaluation is warranted in this case.

7. The Defendant may assert an insanity defense in this matter.

8. Defendant respectfully requests that he also be evaluated concerning the availability of an insanity defense.

9. Counsel for the Defendant has spoken to Assistant United States Attorney Ryan G. Weldon, and the Government does not oppose this Motion.

WHEREFORE, for the foregoing reasons, Defendant John William Lieba, II., prays this Honorable Court grant his Motion for Psychiatric Examination to determine his competency to stand trial, an insanity defense evaluation and for whatever further relief this Court deems necessary and just.

RESPECTFULLY SUBMITTED this 29th day of July, 2016.

/s/ R. Henry Branom Jr.

**CERTIFICATE OF SERVICE**  
**L.R. 5.2(b)**

I hereby certify that on July 29, 2016, a copy of the foregoing document was served on the following persons by the following means:

<u>1,2</u>	CM-ECF
<u>      </u>	Hand Delivery
<u>3</u>	Mail
<u>      </u>	Overnight Delivery Service
<u>      </u>	Fax
<u>      </u>	E-Mail

1. CLERK, UNITED STATES DISTRICT COURT
2. RYAN G. WELDON  
United States Attorney's Office  
Assistant United States Attorney  
Counsel for the United States of America
3. JOHN WILLIAM LIEBA, II.  
Defendant

/s/ R. Henry Branom Jr.